

FACTSHEET

CRIME, RACE AND JUVENILE JUSTICE POLICY IN PERSPECTIVE

by Justice Policy Institute

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"You could abort every black baby in this country, and your crime rate would go down," former Education Secretary and Drug Czar William Bennett

"What was false? Well, as a matter of fact, is it not a fact that the per-capita crime rate among blacks is higher than whites? What is false here?" **Brit Hume**, reporter and commentator, *Fox News Sunday*, October 02, 2005.

"Statistics have long been kept on crime, breaking it down in various ways, including by race and ethnicity. Some identifiable groups, considered as a group, commit crime at a rate that is higher than the national rate. Blacks are such a group. That is simply a fact." –**Andrew C. McCarthy**, former federal prosecutor, a senior fellow at the [Foundation for the Defense of Democracies](#), National Review On-line, September 30, 2005^[1]

THE REALITY OF RACIALLY DISPARATE YOUTH CRIME?

While some have denounced the comments by former Education Secretary and Drug Czar William Bennett, they unfortunately believe his comments are based in fact. Those who believe that African American or Latino youth are more "criminal" than any other ethnic groups are simply wrong. The real facts tell us much more than stereotypes, or musings—both of which obscure the well-documented disparate treatment accorded African Americans compared to whites within the justice system. These comments on racially disparate crime also overlook the area of "corporate crime."

For over a decade, the Justice Department has been working to reduce the racial disparity seen in juvenile arrests and juvenile imprisonment, a fact that underscores the existence of racially disparate arrests and sentences. African American youth arrest rates for drug violations, assaults and weapon offenses are higher than arrest rates for white youth—even though both report similar rates of delinquency.

FEDERAL LAWMAKERS RECOGNIZE YOUTH OF COLOR ARE TREATED DIFFERENTLY BY THE JUVENILE JUSTICE SYSTEM. Since 1992, when the Juvenile Justice and Delinquency Prevention Act (JJDP) was amended, the federal government has acknowledged that youth of different races and ethnicities are treated differently by the justice system. As such the federal government has promoted policies to ease those disparities.^[1] The Republican Congress reauthorized the JJDP in 2003.

THE IMPACT OF THE "RACE EFFECT." In a seminal meta-analysis conducted by researchers Carl Pope and Richard Feyerherm for the Justice Department, two-thirds of the

studies of state and local juvenile justice systems they analyzed found that there was a "race effect" at some stage of the juvenile justice process that affected outcomes for minorities for the worse. Their research suggested that "the effects of race may be felt at various decision points, they may be direct or indirect, and they may accumulate as youth continue through the system."^[2]

LARGEST DISPARITIES FOUND IN DRUG ARRESTS, IMPRISONMENT. Some of the greatest disparities in the juvenile justice system's response to youth of color involve the number of youth arrested, and prosecuted for drug offenses. While African American youth comprise 17% of the youth population^[3], African American youth represent 27% of all drug violation arrests, and comprise 48% of the youth detained for a drug offense.

"Contrary to popular assumption, at all three grade levels African American youth have substantially lower rates of use of most licit and illicit drugs than do Whites."— *Monitoring the Future Survey, 2004.*

Table 1: African American Make Up Nearly Half the Youth Detained for Drug Offenses, But Use Drugs at the Same Rate as Whites (Contact us for a copy of this table.) Source: Crime in the United States, 2001. (2002) Washington, DC: U.S. Justice Department, Federal Bureau of Investigations. Puzzanchera, C., Finnegan, T. and Kang, W. (2005). "Easy Access to Juvenile Populations" Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/ezapop/>; Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2004) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>

African American Youth Are Treated Differently By the Juvenile Justice System

Drugs. According to the *National Survey on Drug Use and Health*, among youths aged 12 to 17, the rate of current illicit drug use was 11.1 % among whites, and 9.3% among African Americans.^[4] In a previous year, the same survey found that white youth aged 12 to 17 are more than *a third more likely* to have sold drugs than African American youth.^[5] *The Monitoring the Future Survey* of high school seniors shows that white students annually use cocaine at 4.6 times the rate of African Americans students, use crack cocaine at 1.5 times the rate of African Americans students, and use heroin at the same rate of African Americans students, and that white youth report annual use of marijuana at a rate 46% higher than African American youth.^[6] However African American youth are arrested for drug offenses at about twice the rate (African American 314 per 100,000, white 175 per 100,000) times that of whites,^[7] and African American youth represent nearly half (48%) of all the youth incarcerated for a drug offense in the juvenile justice system.^[8]

Weapons. According to the Center on Disease Control's annual Youth Risk Behavior Survey, in 2001 whites and African Americans reported similar rates of carrying a weapon (whites 17.9%, African Americans 15.2%), and similar rates of carrying a gun (whites 5.5%, and African Americans, 6.5%).^[9] African American youth represent 32% of all weapons arrests, and were arrested for weapons offenses at a rate twice that of whites (69 per 100,000, versus 30 per 100,000).^[10]

Assault. According to the Center on Disease Control's annual Youth Risk Behavior Survey, African Americans report being in a physical fight at a similar rate (36.5%, versus 32.5%

for whites), but were arrested for aggravated assault at a rate nearly three times that of whites (137 per 100,000, versus 48 per 100,000).

*“The existence of much larger racial and ethnic differences in arrest rates than in self-reported violence is a matter of great concern. On the one hand, there is no reason to expect similar distributions, because these measures were designed to assess different aspects of violence. **But if both measures are valid and reliable, the discrepancy suggests that the probability of being arrested for a violent offense varies with race/ethnicity.**”—Youth Violent: A Report of the Surgeon General, January, 2001.*[\[11\]](#)

[\[1\]](#) In the JJDP Act of 2002, Congress required that States participating in the Formula Grants Program “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system” (see section 223(a)(22)). See <http://ojjdp.ncjrs.org/dmc/>

[\[2\]](#) Pope, Carl E. and Feyerherm, William. (1995) *Minorities and the Juvenile Justice System: Research Summary*, (second printing). Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice: Washington, D.C.

[\[3\]](#) Howard N. Snyder’s *Juvenile Arrests 2001*. (December, 2003). Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice: Washington, D.C.

[\[4\]](#) Substance Abuse and Mental Health Services Administration. (2005). *Results from the 2004 National Survey on Drug Use and Health: National Findings* (Office of Applied Studies, NSDUH Series H-28, DHHS Publication No. SMA 05-4062). Rockville, MD

[\[5\]](#) National Household Survey on Drug Abuse, 1999. Washington, D.C.: The Substance Abuse and Mental Health Services Administration, Office of Applied Studies, Table G. 71, 2000.

[\[6\]](#) Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2005). *Demographic subgroup trends for various licit and illicit drugs, 1975-2004*. (Monitoring the Future Occasional Paper No. 61). Ann Arbor, MI: Institute for Social Research. 411 pp. “Contrary to popular assumption, at all three grade levels African-American youth have substantially lower rates of use of most licit and illicit drugs than do Whites.” Johnston, L. D., O'Malley,

[\[7\]](#) Arrests of youth, by race, from Crime in the United States, 2001. (2002). Washington, DC: Federal Bureau of Investigations.; Population of youth from Puzzanchera, C., Finnegan, T. and Kang, W. (2005). "Easy Access to Juvenile Populations" Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/ezapop/>

[\[8\]](#) Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2004) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>

[\[9\]](#) *Youth Risk Behavior Surveillance --- United States, 2003* Morbidity and Mortality Weekly Report, June 28, 2002 / 51(SS04);1-64

[\[10\]](#) Arrests of youth, by race, from Crime in the United States, 2001. (2002). Washington, DC: Federal Bureau of Investigations.; Population of youth from Puzzanchera, C., Finnegan, T. and Kang, W. (2005). "Easy Access to Juvenile Populations" Online. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/ezapop/>

[11] *Youth Violence: A Report of the Surgeon General* (2001). Washington, DC: Department of Health and Human Services.

<http://www.surgeongeneral.gov/library/youthviolence/chapter2/sec12.html#differences>